

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

AARON PATTERSON, BARRY & LOEWY  
LLP, and AVILA & TOMIC LLC,

Plaintiffs,

v.

THE PEOPLE'S LAW OFFICE, G. FLINT  
TAYLOR, JOEY L. MOGUL, MICHAEL E.  
DEUTSCH, STANDISH E. WILLIS, and J.  
SAMUEL TENENBAUM

Defendants.

No. 08 C 1048

Honorable John D. Darrah

Hearing Date: February 28, 2008

Hearing Time: 9:00 a.m.

Room No.: 1203

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that on February 28, 2008 at 9:00 a.m., or as soon thereafter as counsel may be heard, we shall appear before the Honorable John D. Darrah in his usual Courtroom, No. 1203 in the Dirksen Federal Building at 219 South Dearborn Street, Chicago, Illinois, or whomever may be sitting in his place and stead, and then and there present Defendant Samuel Tenenbaum's Motion For an Extension of Time to Answer or Otherwise Plead, a copy of which is attached hereto and hereby served upon you.

Dated: February 21, 2008

J. Samuel Tenenbaum

By /s/ Daniel G. Rosenberg

One of his Attorneys

Peter G. Rush  
Daniel G. Rosenberg  
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AARON PATTERSON, BARRY & LOEWY	)	
LLP, and AVILA & TOMIC LLC,	)	
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Plaintiffs,	)	
	)	No. 08 C 1048
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	)	
THE PEOPLE'S LAW OFFICE, G. FLINT	)	
TAYLOR, JOEY L. MOGUL, MICHAEL E.	)	
DEUTSCH, STANDISH E. WILLIS, and J.	)	
SAMUEL TENENBAUM	)	

Defendants.

**MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD**

Defendant, J. Samuel Tenenbaum ("Tenenbaum"), by his attorneys, Bell, Boyd & Lloyd, LLP, respectfully moves the Court for an extension of time to answer or otherwise plead to the Complaint of Plaintiffs, Aaron Patterson, Barry & Lowey LLP, and Avila & Tomic LLC, (collectively, "Plaintiffs") and in support thereof, states as follows:

1. On January 7, 2008, Plaintiffs filed a five count Complaint in the Circuit Court of Cook County, Law Division (the "Current Litigation"), alleging: (1) declaratory judgment; (2) breach of contract;<sup>1</sup> (3) civil extortion; (4) conspiracy to commit civil extortion; and (5) intentional infliction of emotional distress. A copy of the Complaint is attached hereto as Exhibit A.

2. Tenenbaum was served with a copy of the Complaint on January 28, 2008.

3. On or about February 7, 2008, Tenenbaum retained Bell, Boyd & Lloyd, LLP, as counsel to represent him in the Current Litigation.

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<sup>1</sup> The breach of contract count is not alleged against Tenenbaum.

4. On February 20, 2008, the Current Litigation was removed to the District Court for the Northern District of Illinois.

5. The allegations set forth in the Current Litigation are substantially related to a matter and motion currently pending in the Northern District of Illinois before Judge Gottschall in the case of *Patterson v. Burge, et al.*, Case No. 1:03-CV-04433 (the “Underlying Litigation”).<sup>2</sup>

6. In the Underlying Litigation, a settlement was reached in early December of 2007 pursuant to which Plaintiff Patterson would receive five million dollars (\$5,000,000) from the City of Chicago (the “Settlement”). Shortly thereafter, on December 10, 2007, the People’s Law Office (the “PLO”) and Stan Willis (“Willis”), both defendants to the Current Litigation, filed a Motion to Adjudicate Attorneys’ Lien in the Underlying Litigation.

7. That Motion to Adjudicate alleges that as former counsel for Plaintiff Patterson, the PLO and Willis have an attorneys’ lien on the proceeds of the Underlying Litigation, and are entitled to attorneys’ fees and costs. *See* Motion to Adjudicate Attorneys’ Lien (Ex. B hereto) and the Memorandum in Support of the Motion to Adjudicate Attorneys’ Lien (Ex. C hereto). The Motion to Adjudicate Attorneys’ Lien will soon be fully briefed and Judge Gotschall has indicated that she intends to resolve that motion. In other words, Judge Gotschall intends to decide the very core of the matter at issue in the Current Litigation.

8. Indeed, it is the distribution of this very settlement money at issue in the attorneys lien motion pending before Judge Gotschall that the claims in the Current Litigation are based upon. Specifically, the Complaint seeks a declaration that the attorneys lien pending before Judge Gotschall is not valid, that Patterson does not owe certain defendants any money as a

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<sup>2</sup> In fact, earlier today, Co-defendants, the People’s Law Office, G. Flint Taylor, Joey L. Mogul, Michael E. Deutsch and Standish E. Willis moved to have the Current Litigation reassigned to Judge Gotschall given its substantial relationship to the Underlying Litigation. Tenenbaum supports this motion, but in the interim requests relief requested in this motion.

result of the settlement, and that Defendants somehow conspired in an effort to extort settlement money not actually received by Patterson or his attorneys based on a purportedly fraudulent attorney's lien. For example, Plaintiffs allege:

- “Plaintiffs Aaron Patterson, Avila & Tomic LLC and Barry & Loewy LLP seek a declaration that . . . the attorney's lien currently asserted by The PLO is not legally valid.” Complaint, ¶ 31 (Count I: Declaratory Judgment);
- “In late 2007, upon hearing about Plaintiffs Aaron Patterson, Avila & Tomic LLC and Barry & Loewy LLP's settlement with the City of Chicago, Tenenbaum and the PLO conspired together and actively engaged in a scheme to extort over One Million Dollars from Plaintiffs. Specifically, Tenenbaum made repeated demands to Plaintiffs via, telephone and email, that he and The PLO are owed at least One Million Dollars of any settlement monies Plaintiffs obtained from The City of Chicago. Tenenbaum and The PLO have based all of their demands on a knowingly false attorney's lien that The PLO created.” Complaint, ¶ 38 (Count III: Civil Extortion); and
- “Defendants Tenenbaum and The PLO, together, reached an understanding, engaged in a course of conduct, and otherwise jointly acted and/or conspired amongst and between themselves in attempts to legitimize a fraudulent attorney's lien and in efforts to unlawfully extort over One Million U.S. Dollars (US\$1,000,000.00) from Plaintiffs. Complaint, ¶ 44 (Count IV: Civil Conspiracy)

(emphasis supplied).

9. Given the substantial overlap of the issues in the Current Litigation to the issues in the Motion to Adjudicate Attorneys' Lien currently pending in the Underlying Litigation, Tenenbaum respectfully requests an extension of time to answer or otherwise plead to Plaintiffs' Complaint until the Motion to Adjudicate Attorney's Lien has been resolved.

10. In the alternative, Tenenbaum requests thirty (30) days from the resolution of this Motion to answer or otherwise plead to Plaintiffs' Complaint.

11. The Underlying Litigation was commenced in 2003, and as of the date of this filing, has more than 800 docket entries. Due to its recent retention in this matter, Tenenbaum's

counsel requires this time to familiarize itself with the extensive facts and pleadings in the Underlying Litigation, which are significantly at issue in this case.

12. The request of an extension of time set forth in this Motion is not made for purposes of delay, but solely to allow Tenenbaum sufficient time to prepare an adequate response to the Complaint, and will not cause prejudice to any party.

WHEREFORE, Defendant, J. Samuel Tenenbaum, respectfully requests an extension of time to answer or otherwise plead to Plaintiffs' Complaint until the Motion to Adjudicate Attorney's Lien currently pending in the case of *Patterson v. Jon Burge, et al.*, Case No. 1:03-CV-04433 is resolved or, in the alternative, thirty (30) days from the resolution of this Motion to answer or otherwise plead.

Dated: February 21, 2008

Respectfully Submitted,  
J. SAMUEL TENENBAUM

By /s/ Daniel G. Rosenberg  
One of his Attorneys

Peter G. Rush  
Daniel G. Rosenberg  
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**Certificate of Service**

I, Daniel G. Rosenberg, an attorney, hereby certify, that I served the attached documents, Defendant Samuel Tenenbaum's Motion For an Extension of Time to Answer or Otherwise Plead and accompanying Notice of Motion, via the Court's Electronic Notice System and/or via U.S. Mail, postage prepaid, on February 21, 2008 to the following persons:

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